



Montoya, Darlene <dmontoya@nmag.gov>

RE: Request for Policies and Procedures Related to Officer-Involved Shooting and Other Use-of-Force Incidents

2 messages

Montoya, Darlene <dmontoya@nmag.gov>
To: bradley.mauldin@enmu.edu

Wed, Jan 18, 2017 at 10:23 AM

Chief Mauldin:

Attached please find correspondence from the Law Enforcement Academy Board Subcommittee regarding the above-referenced matter. Please forward via email the requested information. If you have any questions or concerns, please do not hesitate to contact me at my direct line below.

Thank you and have a good day. Stay safe.

--
Darlene Montoya, Administrator
New Mexico Attorney General's Office
408 Galisteo Street
Santa Fe, New Mexico 87501
(505) 490-4854

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71K

Mauldin, Bradley <Bradley.Mauldin@enmu.edu>
To: "Montoya, Darlene" <dmontoya@nmag.gov>

Fri, Jan 20, 2017 at 4:27 PM

Darlene,

I appreciate your request. The related documents are attached. We have additional policies and/or documents (Report Form(s)) that deal with Response to Resistance/Aggression (Use of Force), but these apply to your request. Please let me know if you have any questions and have a great weekend.

Respectfully,

Bradley D. Mauldin
Eastern New Mexico University
Chief of Police

"Before you are a leader, success is all about growing yourself. When you become a leader, success is all about growing others."

~Jack Welch~

Eastern New Mexico University Police Department

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From: Montoya, Darlene [mailto:dmontoya@nmag.gov]

Sent: Wednesday, January 18, 2017 10:24 AM

To: Mauldin, Bradley <Bradley.Mauldin@enmu.edu>

Subject: RE: Request for Policies and Procedures Related to Officer-Involved Shooting and Other Use-of-Force Incidents

[Quoted text hidden]

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3 attachments

 **Early Identification System.pdf**
241K

 **Incident Review Board.pdf**
247K

 **Use of Deadly Force.pdf**
279K

CHAPTER 4: Conduct and Professional Standard	SECTION 4.3: Accountability System
POLICY TITLE & SUBJECT: Employee Early Identification System	POLICY NUMBER: 4.3.3
EFFECTIVE DATE: May 12th, 2014	
APPROVED BY:	


Bradley D. Mauldin, CHIEF OF POLICE

I. PURPOSE:

To provide a system to identify personnel who may be suffering from stress or performance related problems.

II. POLICY:

It is the policy of the Eastern New Mexico University Police Department to conduct a systematic review of complaints, chargeable accidents, motor vehicle pursuits, and incidents involving responses to aggression in order to identify employees who are suffering from stress or performance related problems.

III. PROCEDURE:

The Eastern New Mexico University Police Department has a responsibility to its employees and the community to identify and assist employees that show symptoms of job stress and performance problems. Although no particular set of criteria can determine job stress and performance problems, it is important that certain criteria be routinely reviewed as possible indicators of behavior patterns. In order to highlight tendencies that may otherwise be overlooked, the Early Identification System has been established to provide a systematic review of citizen complaints, chargeable accidents, motor vehicle pursuits, internal investigations and incidents involving responses to aggression. The Early Identification System is the responsibility of the Lieutenant.

Report Composition:

Monthly, quarterly and annual reports are prepared by the Lieutenant if applicable. These reports outline personnel complaints, chargeable accidents, motor vehicle pursuits and response to aggression incidents and contain the names of employees who have received a specified number of incidents in the established areas, as follows:

1. Monthly report: A monthly report is generated which contains the names of employees who have received two or more sustained or unsubstantiated complaints within a 90 day period;
2. Quarterly report: A quarterly report is generated which contains the names of employees who have received two or more sustained or unsubstantiated complaints or have been involved in two or more incidents during a three month period. These incidents include responses to aggression, motor vehicle pursuits, and chargeable accidents.
3. Annual report: An annual report serves as a secondary system to the quarterly report. It contains the names of employees who have received three or more sustained or unsubstantiated complaints or have been involved in three or more incidents during a twelve month period. These incidents include responses to aggression, motor vehicle pursuits, and chargeable accidents. It identifies those employees who do not meet the criteria for the quarterly report but are showing a pattern of conduct that warrants review.

Each report contains a brief profile of the complaints, chargeable accidents, motor vehicle pursuits, and incidents involving responses to aggression. The profile for complaints includes the employee's name, the case identification number, the date of the incident, the name of the complainant, the nature of the complaint, and a disposition. The profile for incidents involving responses to aggression contains the employee's name and the case number of the incident.

The Early Identification System reports make no conclusions or determinations concerning job stress or performance problems. The reports are used by supervisors as a resource in helping to determine if job stress or performance problems exist. They are designed as a resource to assist supervisory personnel in evaluating and guiding the employee. The system is designed to identify and reduce job stress or performance related problems.

Report Review:

Early Identification System reports are disseminated to the employee's chain of command for review. It is the responsibility of the employee's immediate supervisor to ensure that the review is conducted.

In order for a fair and meaningful assessment to be made, the review consists of evaluation of the report data, other relevant criteria, and information obtained through a conference with the employee. The following relevant criteria are considered risk indicators which are used in the review:

1. Performance Evaluations;
2. Resisting Arrest Cases;
3. Battery on a Police Officer Cases;
4. Officer Injury Reports;
5. Pursuits;
6. Department Vehicle Crashes;

7. Civil Litigation;
8. Disciplinary Entries in the Employee's Working or Personnel File;
9. Sick Leave Usage;
10. Officer Involved Shooting;
11. Personality Changes, Life Style Changes and Other Personal Issues.

Report Determination:

The employee's chain of command, up to the Chief of Police, jointly makes a final determination based on an assessment of the review. Determinations result in one or more of the following alternative measures:

1. Assessment that no problem exists, terminating further action;
2. Counseling by the immediate supervisor;
3. Remedial training;
4. Referral to the Employee Assistance Program for counseling or referral assistance at Human Resources;
5. Referral to drug testing, if reasonable suspicion exists;
6. Referral to psychological or medical fitness for duty examinations;
7. Other corrective or disciplinary action as deemed appropriate.

A summary of the supervisory review determinations is completed by the employee's immediate supervisor within 30 days of issuance of the Early Identification System report. The final report and determination is then forwarded to the Lieutenant who maintains the Early Identification System. The summary includes a listing of any relevant criteria which was discovered through the review process, any information obtained through the employee conference, determination results and recommendations.

Annual Evaluation:

The Lieutenant conducts a documented annual evaluation of the Early Identification System to ensure that the system meets the needs of the Department. Changes can be recommended when necessary.

CHAPTER 7: Response To Resistance/Aggression	SECTION 7.1: Response To Resistance/Aggression
POLICY TITLE & SUBJECT: Incident Review Board	POLICY NUMBER: 7.1.3
EFFECTIVE DATE: April 10th, 2014	
APPROVED BY:	



Bradley D. Mauldin, CHIEF OF POLICE

I. PURPOSE:

The purpose of this policy is to establish procedures for reviewing incidents involving the use of force in response to resistance and/or aggression and other critical incidents.

II. POLICY:

It is the policy of the Eastern New Mexico University Police Department to review incidents involving the use of force in response to resistance and/or aggression and other critical incidents in order to ensure compliance with department policy and procedures as well as to any applicable laws.

III. PROCEDURES:

Reporting Procedures:

Any time an employee uses force in response to resistance and/or aggression or takes the following action they must complete the [Response To Resistance/Aggression Report Form](#):

1. Any discharge of a firearm during the prevention of any crime, apprehension of any suspect, or in the defense of one's self or another person, including any discharge of a firearm under circumstances consistent with department response to resistance and/or aggression policies [7.1.1](#) and [7.1.2](#).

The Response to Resistance/Aggression Report is not used to report the discharge of a firearm during training, for recreational purposes, or to destroy an injured animal, or for the unintentional discharge of any firearm which has been authorized for use by the department, whether on or off duty;

2. Taking an action that results in, or is alleged to have resulted in the injury or death of another;
3. Application of force, through the use of any lethal, less-lethal, or non-lethal weapons;
4. Application of weaponless physical force, to include all controlled take downs;

5. Motor vehicle pursuits;
6. Any other incident where the circumstances indicate that future repercussions may occur, or as deemed necessary.

If an officer discharges a firearm to destroy an animal, they document the incident with an inter-office, Incident Memorandum.

If an officer unintentionally discharges any firearm which has been authorized for use by the department, whether on or off duty, the officer documents the incident in an inter-office, Incident Memorandum.

All uses of force in response to resistance and/or aggression shall be documented in an Incident Report as well as in a Response to Resistance/Aggression Report form. It is the responsibility of the Sergeant to ensure the incident is properly documented and processed.

The Response to Resistance/Aggression Report form or inter-office Incident Memorandum are forwarded and reviewed through the employee's chain of command up to the Lieutenant. The Lieutenant may forward any incident to the Chief of Police if he or she believes the need to obtain information about a particular incident exists. The Chief of Police may review any incident, at any time, particularly those related to tort claims, citizen complaints, or incidents involving death or serious bodily injury.

Review Procedure:

The involved employee's chain of command conducts a review of all Response to Resistance/Aggression Report forms and inter-office Incident Memorandums. Any supervisor in the review process can recommend further review of an incident. Supervisors may also take corrective action if issues are identified within their review process; any corrective action will be documented in accordance with department's Disciplinary Procedures policy. The review process continues through the chain of command until a decision is made on whether or not to convene an Incident Review Board. Incidents not deemed to have warranted the need for additional review through the Incident Review Board are forwarded to the Lieutenant for maintenance and for use in applicable required reporting.

Convening the Incident Review Board:

The Incident Review Board is convened at the discretion of the Chief of Police or Lieutenant within a reasonable time period following the incident. Once the decision is made to convene an Incident Review Board, the Lieutenant is responsible for organizing the board.

An Incident Review Board shall be convened for all officer-involved shooting incidents (with the exception of an unintentional discharge of a firearm which does not meet the requirements of a Response to Resistance/Aggression Report) and in-custody deaths.

Incident Review Board Organization:

The Chief of Police or designee acts in the capacity of chairman of the Incident Review Board. The board consists of up to three additional members who are selected by virtue of their position or by the

chairman from eligible department employees. The Lieutenant and Sergeant serve on the Incident Review Board by virtue of their position. One police officer from the department is then selected to serve on the Incident Review Board. Employees, regardless of rank involved in the incident under review may not serve on the Incident Review Board.

Incident Review Board Eligibility:

Any non-probationary Department employee is eligible to serve on the board. Employees are selected to serve on the board dependent on factors surrounding the incident. Factors used to select board members may include the following:

1. The type of incident, such as discharge of a firearm, use of force during an arrest, or motor vehicle pursuit;
2. The means of the use of force, such as unarmed force, use of a firearm, or less-lethal weapon;
3. The involved employee's area of assignment within the department.

Department employees selected to serve on the board generally include individuals with the particular subject matter expertise applicable to the incident. When appropriate, an attempt should be made to choose members from the following areas of expertise:

1. Firearms Instructors;
2. Defensive Tactics Instructors;
3. Training Officers;
4. Driving Instructors;
5. Field Training Officers;
6. Special Weapons and Tactics Team Members;
7. Use of Force/ Response to Resistance/Aggression Instructors;

Incident Review Board Procedure:

The chairman may assign one of the selected board members to gather any supplemental documentation or data which pertains to the incident and may be reviewed by the board. The board may summons any potential witness to testify in reference to the facts surrounding the incident, the applicable policy and/or the involved employee's training and work history. The board should attempt to discover all relevant evidence to assist in determining the following:

1. Whether there was a violation of Department policy and procedures;
2. Whether relevant policy was clearly understandable and effective to cover the incident;

3. Whether prior Department training was adequate.

The Chief of Police submits a written report, with applicable recommendations to the Incident Review Board for review.

The Review Board Records and Files:

Response to Resistance/Aggression Report forms, inter-office Incident Memorandums (not including memorandums regarding the destruction of an injured animal), and Incident Review Board reports are ultimately forwarded to the Lieutenant, who is responsible for maintaining those files in compliance with the State of New Mexico Records Retention and Disposition Schedule. Response to Resistance/Aggression Report forms, inter-office Incident Memorandums (not including memorandums regarding the destruction of an injured animal), and Incident Review Board reports are retained for a period of three (3) years following final disposition. This does not apply to reports related to Incident Reports.

Annual Analysis:

The Lieutenant performs annual analysis of all Response to Resistance/Aggression Report forms and Incident Memorandums not involving the destruction of an injured animal. The intent of the analysis is to reveal patterns or trends that could indicate training needs or policy modifications. The analysis consists of tracking the following statistics:

1. Total number of Response to Resistance/Aggression Report forms and inter-office Incident Memorandums (not including memorandums regarding the destruction of injured animal) which were submitted;
2. Number of incidents involving motor vehicle pursuits;
3. Number of incidents by type of force used against officers;
4. Number of incidents by type of force used by officers;
5. Number of incidents by individual officers.

The Lieutenant prepares a report of the annual analysis and distributes the report to the Chief of Police.

In addition, an analysis of Response to Resistance/Aggression Report forms and inter-office Incident Memorandums (not including memorandums regarding the destruction of an injured animal) is conducted quarterly when applicable and per the [Early Identification System Policy](#).

CHAPTER 7: Response To Resistance/Aggression	SECTION 7.1: Response To Resistance/Aggression
POLICY TITLE & SUBJECT: Use of Lethal, Less-Lethal, and Non-Lethal Force	POLICY NUMBER: 7.1.2
EFFECTIVE DATE: September 6 th , 2015	
APPROVED BY:	


Bradley D. Mauldin, CHIEF OF POLICE

I. APPLICABILITY:

This policy is applicable to all law enforcement personnel of the Eastern New Mexico University Police Department.

II. PURPOSE:

The purpose of this policy is to provide police officers with guidelines on use of lethal, less-lethal and non-lethal force.

III. POLICY:

It is the policy of the Eastern New Mexico University Police Department, in compliance with the Fourth Amendment of the United States Constitution that our police officers shall respond to subject resistance or aggression in a manner that is reasonably necessary to maintain control of an incident, to affect lawful objectives, or while protecting the lives of themselves or another.

IV. PARAMETERS FOR THE USE OF DEADLY FORCE:

After weighing the respective interests of law enforcement and the suspect, the United States Supreme Court, in a case entitled Tennessee v. Garner, held that the Fourth Amendment authorized a police officer's use of deadly force in the following circumstances:

“[w]here the officer has probable cause to believe that the suspect poses a threat of serious physical harm, either to the officer or others, it is not constitutionally unreasonable to prevent escape by using deadly force. Thus, if the suspect threatens the officer with a weapon or there is probable cause to believe that he has committed a crime involving the infliction or threatened infliction of serious physical harm, deadly force may be used if necessary to prevent escape, and if, where feasible, some warning has been given.”

The Supreme Court, in Tennessee v. Garner, also *prohibited* the use of deadly force in the following circumstance:

“[t]he use of deadly force to prevent the escape of all felony suspects, whatever the circumstance, is constitutionally unreasonable. It is not better that all felony suspects die than that they escape. Where the suspect poses no immediate threat to the officer and no threat to others, the harm resulting from failing to apprehend him does not justify the use of deadly force to do so. It is no doubt unfortunate when a suspect is in sight escapes, but the fact that the police arrive a little late or are slower afoot does not always justify killing the suspect. A police officer may not seize an unarmed, non-dangerous suspect by shooting him dead.”

V. DEADLY FORCE AUTHORIZED

Police officers are authorized to use lethal force in order to:

1. Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious physical injury.
2. To prevent the escape of or to stop a suspect under circumstances where the officer has probable cause to believe that the suspect has committed a felony and poses a significant threat of death or serious physical injury to the officer or others.

Where feasible, some warning should be given prior to engaging in the use of lethal force. Officers are not precluded from using any available means necessary to deploy lethal force when justified. This includes weapons or techniques of opportunity. Officers should give appropriate medical assistance to injured suspects in circumstances where the officer's safety is no longer in jeopardy.

Police officers should not discharge a firearm at or from a moving vehicle except as the ultimate measure of self-defense or defense of another.

Officers may also discharge a firearm under the following circumstances:

1. To safely destroy an animal that poses an immediate threat to public safety.
2. During qualifications, range practice, or marksmanship sporting events.

In any surroundings there remains a heightened probability that a discharged projectile (bullet) could ricochet and/or return to the earth's surface (ground) and unintentionally strike an innocent or uninvolved citizen. Therefore, warning shots should not be fired absent a justified emergency where doing so would save an officer, or another, from death or serious physical injury. Warning shots if fired shall be fired in such a manner so as to not endanger innocent parties and with due regard for the officer's surroundings.

Firearms will be carried in a safe and secure manner at all times. Firearms will be maintained in a locked and secured environment when not in the officer's immediate control. Careless handling of firearms is prohibited.

VI. PARAMETERS FOR USE OF LESS-LETHAL FORCE:

Less-lethal force currently consists of the use of a beanbag round or any type of projectile, designed by the manufacturer to incapacitate individuals without causing death or serious physical injury, and which is deployed by a traditional firearm.

Less-lethal force may be used in situations where the officer reasonably believes that the suspect possesses the means to place citizens, officers, or themselves in situations of potential lethal hazard. It may be used even though the subject has not yet caused threats which constitute an imminent fear of death or serious bodily harm.

Less-lethal force is not designed as a substitute for lethal force, but rather as an alternative in some instances. Proper use of less-lethal force requires a sufficient amount of time for officers to confirm the circumstances of the incident and to verify the use of a less-lethal projectile. Therefore, officers are encouraged but, not compelled, to use less-lethal force rounds where feasible. Officers should be familiar with and follow the guidelines in the Use of Beanbag Rounds as described in the [Use of Beanbag Round Policy, 7.1.2A.](#)

VII. PARAMETERS FOR USE OF NON-LETHAL FORCE:

In circumstances where lethal force is not authorized, officers should assess the incident in order to determine how to best de-escalate and bring the incident under control in a safe manner.

Assessment may include:

1. Potential for officer or offender injury, (i.e. whether the suspect is armed or attempting to harm their self or another). Consideration should also be given to whether the suspect has made a verbal threat of physical violence to an officer or another and whether they have the ability to act on the threat;
2. Seriousness of the crime committed by the suspect(s);
3. Number of suspects involved and/or other subjects present who may become involved;
4. The size of the suspect or suspects relative to the officer;
5. The apparent combat related skill level of the suspect or suspects;
6. Number of bystanders and/or potential for secondary exposure of bystanders;
7. Whether the amount of force used will be sufficient to de-escalate the situation;
8. Whether the amount of force used is objectively reasonable under the circumstances;
9. The subject's apparent medical condition, mental state and/or the apparent influence of alcohol and/or drugs.
10. Weapons possessed and/or available to the suspect(s);
11. Whether evidence may or is likely to be destroyed;
12. Information, prior experience, or other reasonable, articulable facts possessed by the officer regarding the specific suspect(s) or location that would lead a reasonable officer to believe that lower levels of force may be unsafe or inadequate.

VIII. ADDITIONAL OFFICER ASSESSMENT FACTORS TO BE CONSIDERED:

1. Size, physical ability and defensive tactics expertise of the individual officer;
2. The necessity of immediate defense in the case of sudden attack;
3. Number of officers on scene and available;
4. Weapons and/or restraint devices available;
5. Legal requirements; and
6. Department policies and procedures.

IX. OFFICERS ARE AUTHORIZED TO USE DEPARTMENT APPROVED NON-LETHAL FORCE TECHNIQUES AND EQUIPMENT TO RESOLVE INCIDENTS AS FOLLOWS:

1. To protect themselves or others from physical injury;
2. To restrain or subdue a resistant individual;
3. To bring an unlawful situation safely and effectively under control; or
4. To prevent damage to private or public property.

X. TRAINING AND QUALIFICATIONS:

Lethal Weapons:

Police officers shall carry only weapons and ammunition as authorized by the Department under the [Firearms and Ammunition Policy, 7.2.2](#), and must demonstrate proficiency in their use prior to being approved to carry such weapons.

Less-Lethal Weapons:

Beanbag shotguns; are used to deploy beanbag rounds. Initial training and annual proficiency exams are required as described in the [Use of Beanbag Round Policy, 7.1.2A](#).

Non-Lethal Weapons:

Officers are not permitted to use a non-lethal weapon unless qualified in its' proficient use as determined by training procedures.

XI. REPORTING RESPONSE TO RESISTANCE/AGGRESSION

Any response to resistance and/or aggression or use of force must be reported on a [Response To Resistance/Aggression Report Form](#) according to [Incident Review Board Policy, 7.1.3](#). A supervisor must be immediately notified of any incident involving the use of force meeting the following criteria:

1. When a firearm is discharged outside the firing range, except during legitimate sporting events;
2. When use of force results in death or any injury; or
3. When a citizen complains that an injury had been inflicted.

XII. DEPARTMENT RESPONSE TO USE OF LETHAL FORCE OR IN-CUSTODY DEATH:

The Eastern New Mexico University Police Department shall facilitate a criminal and administrative investigation into all incidents involving the use of lethal force or in-custody death. The criminal investigation shall be conducted by New Mexico State Police, while the administrative investigation shall be conducted by the ENMU Police Department's Chief of Police or designee. Any department supervisor receiving information from a police officer that they have just been involved in a lethal force or in-custody death shall immediately notify or assure the notification of New Mexico State Police. The supervisor receiving the report will also notify the Chief of Police without unnecessary delay through Chain of Command.

In accordance with contemporary scientific research, in depth interviewing of the officer or officers involved in an incident resulting in the infliction of death or serious great bodily harm should not occur prior to the completion of two regular sleep cycles, by not longer than 72 hours from the incident's occurrence. The Chief of Police or designee retains the right to determine that an operational necessity exists wherein the involved officer or officers may be subjected to interviewing specific to the operational necessity.

When a police officer's response to resistance and/or aggression or other actions cause death or serious injury, the officer is placed on administrative leave, until it is determined by a mental health specialist and the Chief of Police or designee that the officer is ready to return to duty. The officer may undergo subsequent evaluations if the officer's supervisor has a reasonable belief, based upon objective evidence that the officer's ability to perform the essential functions of his or her job are impaired or that the officer poses a direct threat to other employees or the public.

A documented review of the incident or occurrence shall be prepared for the Chief or designee. The review should indicate whether policy, training, equipment, or disciplinary issues should be addressed. The administrative investigation and the criminal investigation will be conducted independently of each other.

XIII. LETHAL FORCE, GREAT BODILY HARM OR IN-CUSTODY DEATH PROCEDURES:

1. Determine officer safety and approach the injured suspect(s) and secure them, if safe to do so. If the situation remains unsafe for approach, hold position of safety and await the arrival of backup personnel;
2. Request the response of emergency medical personnel, as soon as it is practical and safe to do so;
3. Officers will immediately notify the applicable dispatch center of the incident. The officer will then contact their immediate supervisor, as soon as it is practical and safe to do so;

4. Determine the physical condition of the injured suspect(s), rendering medical aid only if and when practical and safe to do so. The application of medical aid may potentially be delayed, if the officer has also sustained severe life threatening injuries, until the arrival of other department or medical personnel. In all cases, the rendering of medical aid will be carried out as expeditiously as possible. Injured suspects shall be secured during medical transport unless this cannot be accomplished due to the nature of their injuries;
5. Secure the scene as well as can be established and available personnel permits. This may be initiated by the involved officer; however, they will be relieved of this duty upon arrival of backup personnel;
6. The involved officer will remain on scene, unless injured, until the arrival of the shift supervisor;
7. The involved officer will maintain their weapon in their possession and protect the weapon(s) from change or alteration, treating it or them as evidence, and will surrender the weapon(s) to a lead investigator upon request. This should occur at the police station or other appropriate location, absent a justified investigative need. The officer shall be issued a replacement weapon prior to the conclusion of his or her shift, unless deemed otherwise by the Chief of Police or designee.
8. Shift Supervisor Responsibilities:
 - a. Ensure proper notification of the chain of command. The shift supervisor will be responsible for notifying the appropriate supervisor(s). The Lieutenant will be responsible for continuing the notification process to the Chief of Police through chain of command. The Sergeant will be responsible for contacting the Chief of Police in the event they cannot contact the Lieutenant.
 - b. Ensure the scene and any evidence is protected and assign security assignment;
 - c. Assign personnel to gather and identify any and all potential witnesses, in order to obtain initial identification and statements;
 - d. Establish command post;
 - e. Instruct the involved officer(s) that they are not to wash their hands until permission to do so is given by the lead investigator of New Mexico State Police; however, the supervisor must take into consideration washing or decontamination in the event of the presence of blood borne pathogens or other contaminants;
 - f. If uninjured, the supervisor shall place the involved officer(s) in a comfortable, secure location away from the center of attention or public view. This may be a medical center, police station (private room) or other location deemed appropriate. The supervisor shall also contact a companion officer (department member) of the involved officer's choosing. The companion officer will be instructed to remain with the involved officer and will ensure that all of their needs, where possible and appropriate are met. Under no circumstance will the involved officer be left unattended due to the likelihood of potential that the officer may become mentally and/or physically overwhelmed due to the severe nature of the event. The companion officer will not ask any questions in regards to the incident itself. The companion officer is solely in place to attend to the needs and comfort of the involved officer. The companion officer may also be

assigned to remain with the involved officer while off-duty or on administrative leave, if deemed necessary;

- g. During the immediate aftermath of the incident, the involved officer(s) will not be subjected to any questioning or discussion of the incident except as it is absolutely necessary to the on-scene investigation. The involved officer(s) will also be directed to not discuss the incident with anyone who is not officially assigned to the investigation(s), to include the companion officer;
- h. In order to ease potential anxiety of the involved officer and the officer's family, the officer shall not be prohibited from notifying immediate family members of his or her status and safety following the incident. Additional arrangements will be made to contact the involved officer's family to advise them of the incident and the post incident procedures that will be followed. This should be followed through with expeditiously, so as to avoid family members being notified by media entities or other outside sources prior to department contact. An open line of communication with the involved officer's family will be maintained throughout the investigation.
- i. If the officer is injured or hospitalized, arrangements shall be made to transport their spouse or other immediate family member to the hospital. If possible, this should be accomplished by a department member (other than the companion officer) who is a friend of the involved officer.

XIV. REQUIRED MEDICAL AID:

Immediately after the response to resistance and/or aggression against a subject, the officer shall be alert to any indications and/or complaints that the individual needs medical care. This includes, but is not limited to: difficulty breathing, gagging, significant obvious increases or decreases in body temperature, profuse sweating, or loss of consciousness. Upon observing these or other medical problems, or if the suspect requests medical assistance, the officer shall immediately summon emergency medical services (EMS) to provide aid.

Appropriate medical aid is rendered following any response to resistance and/or aggression resulting in visible injuries or complaints of injury. Subjects with injuries are examined by emergency medical personnel on scene or are transported to the Roosevelt General Hospital Emergency Room by EMS prior to incarceration. When OC spray is used on a suspect, officers shall take reasonable steps to monitor the suspect for symptoms of any medical emergency related to the use of OC spray as outlined in the [Use of Oleoresin Capsicum \(OC\) / Chlorobenzylidene Malononitrile \(CS\) Policy, 7.1.2B](#). Officers shall adequately brief medical staff who may be providing treatment to aid in treatment and avoid the unnecessary exposure.

XV. ADDITIONAL RESPONSE TO RESISTANCE/AGGRESSION GUIDELINES & RESOURCES

[7.1.1 Use Only Objectively Reasonable Force](#)

[7.1.2A Use of Beanbag Round](#)

[7.1.2B Use of Oleoresin Capsicum \(OC\) / Chlorobenzylidene Malononitrile \(CS\)](#)

[7.1.2C Use of Taser](#)

[7.1.2D Use of Tire Deflation Device](#)

[7.1.3 Incident Review Board Policy](#)

[7.2.2 Firearms and Ammunition](#)

[7.2.2A Ammunition Specifications](#)

Response To Resistance/Aggression Report Form

XVI. APPROVAL & REVIEW

Last reviewed on or about Friday, September 4th, 2015 by:

Chris A. Holland
SUTIN, THAYER & BROWNE
A Professional Corporation
Post Office Box 1945
Albuquerque, NM 87103-1045

Last updated on or about Sunday, September 6th, 2015 by:

Shawn Gore, Lieutenant & Bradley Mauldin, Chief of Police
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